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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of 11.

Applicant's arguments filed on 5/17/2008 have been fully considered but they are not persuasive, and do not place the application in condition for allowance.

1). Applicant's argument – "The AAPA relates to a wavelength division multiplexing transmission system. However, there is no teaching in the AAPA of a wavelength filtering means (i.e. wavelength separating means), optical receiving means, wavelength control means, and optical transmitting means, all of which are required in claim 1 as well as other claims in the application".

Examiner's response - The AAPA clearly teaches a wavelength separating means (the Wavelength Demultiplexer 7), optical receiving means (the Optical Receiver 220), wavelength control means (the Wavelength Controller 240), and optical transmitting means (the Optical Transmitter 230). The claims 1, 13 and 20 etc do not claim a "wavelength filtering means" or limit the wavelength separating means to a wavelength filter. As stated in claim 1, the wavelength separating means is for separate an optical signal including a plurality of wavelengths into separated optical signals. The Demultiplexer of the AAPA separates an optical signal (he wavelength multiplexed signal 2010) including a plurality of wavelengths into separated optical signals (2011 to 201n in Figure 1). The demultiplexer of the AAPA reads on the claimed limitation.

2). Applicant's argument – "in Majima, the optical node selects only wavelengths for transmission these wavelengths are always close to one of the existing wavelengths with specific channel spacing $\Delta\lambda$." "in the present invention, a remote apparatus can set a wavelength on the long wavelength band side for transmission, even if only wavelengths on the short wavelength band which is apart from the long wavelength band is/are existing. This is not shown in Majima (or APAA or Nitta)".

Examiner's response – First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a remote apparatus can set a wavelength on the long wavelength band side for transmission, even if only wavelengths on the short wavelength band which is apart from the long wavelength band is/are existing") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, Majima also teaches that the candidate wavelength can be on the long wavelength band side for transmission or on the short wavelength band side for transmission (e.g., the broken vertical lines in Figure 1 and Figure 2A).

3). Applicant's argument – "Nitta teaches a method to find out a communication available wavelength by using a "wavelength setting (λ1)". In contrast, in the present invention transmission wavelengths can be set without using the "wavelength setting (λ1)". Thus, the composition of the present invention is clearly different from that of the invention disclosed by Nitta.

Examiner's response – Nitta does not use "wavelength setting (λ1)" to find a communication available wavelength. To find the available wavelength, Nitta teaches that the transmitter sweeps the transmission wavelength of the variable wavelength band-pass filter 107 within the communication wavelength range to detect a wavelength which is not used by other light transmitters from the communication wavelength range, and the transmitter immediately starts transmitting a transmission destination code as a communication destination specifying signal and a self station code using light at the detected wavelength continuously (Figures 5 and 6). The setup wavelength (λ1) is used for signaling, not used to find out a communication available wavelength.